



RAJIV GANDHI CENTRE FOR BIOTECHNOLOGY (RGCB)

**POLICY AGAINST SEXUAL HARASSMENT
AT THE WORKPLACE**

[Prevention, Prohibition and Redressal Act, 2013]

**Guidelines for Rajiv Gandhi Centre for Biotechnology
Thiruvananthapuram, India**

A. COMMITMENT

RGCB is committed to provide work environment that ensures every employee is treated with dignity and respect and equal treatment.

The Institute is also committed to promote a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

Women form a major workforce of the Institute and RGCB will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of harassment.

B. SCOPE

This policy applies to all employees (full-time, part-time, temporary, trainees and those on contractual assignments) of the Institute. RGCB will not tolerate sexual harassment, if engaged in by faculty, students, technical as well as administrative staff.

The workplace includes:

1. All offices or other premises where the Institute's business is conducted.
2. All Institute-related activities performed at any other site away from RGCB premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

For the purposes of these guidelines, the Campus/institute includes Rajiv Gandhi Centre for Biotechnology (RGCB) and its two other campuses in Kazhakoottam/Aakulam and the incubator facility at Kochi. Also included are the various facilities that RGCB manages at other sites such as the Medical Laboratory Services. It includes all places of instruction, research and administration, as well as hostel, lawns, streets, lanes and canteens, etc. on the campus.

Academic staff includes Professors and Scientists and such other persons as may be designated as such for imparting education/instructions or for giving guidance or rendering assistance to students/post-docs for pursuing any course of study, whether full time, temporary, ad-hoc, part-time, visiting, honorary, consultancy, or on special duty or deputation. All other academic staff of other institutions visiting the campus or participating in any workshop/seminar/ training/conference/consultancies is covered by these rules during the stay on campus.

Non - Academic Staff includes any person other than academic staff, such as administrative staff, technical staff, officers, consultants, support staff, contractual workers and daily wagers only to the extent that they are performing campus related activities.

Student/post-doc includes all students, research fellows and project personnel of the institute or others on campus such as visiting students/postdocs, interns, trainees and those visiting the campus as a part of collaborative or exchange program between institutes, students/post-docs participating in workshops/conferences/seminars. These Rules and Procedures shall be applicable to all complaints of sexual harassment provided the harassment has taken place at work place.

C. DEFINITION OF SEXUAL HARASSMENT

According to the Honorable Supreme Court, sexual harassment can be defined as any unwelcome, sexually determined physical, verbal, or non-verbal conduct. Examples included sexually suggestive remarks about women, demands for sexual favors, and sexually offensive visuals in the workplace. The definition also covers situations where a woman could be disadvantaged in her workplace as a result of threats relating to employment decisions that could negatively affect her working life. It will also include any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions. Inappropriate conduct could also be a joke, a prank or even a compliment. These gestures also lead to harassment although the intention of the individual might not be to offend the other person.

D. COMPLAINT MECHANISM

An appropriate complaint mechanism has been initiated by RGCB in the form of an internal complaints committee hereinafter referred to as the "complaints committee" in accordance with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for time-bound redressal of the complaint made by the complainant.

E. CONSTITUTION OF THE COMPLAINTS COMMITTEE

The complaints committee will consist of the representation of members as prescribed in the Act 2013, wherein at least one-half of the total members so nominated shall be women. The nomination of the external member shall be by invitation by the Director from amongst academicians, social activists and/or legal representatives of Non-

Governmental Organizations (NGO). The Director may also nominate other members. These nominations will be final and not open to challenge. The Director being vested with the power to nominate members in the Committee shall have the power to cancel the nomination of any member. External experts can be called upon for meetings if needed. The tenure of the complaints committee members will be 2 years from the date of constitution of the committee. Before end of their tenure, the members may suggest names for nomination in their respective place from amongst the section category they are representing.

The Complaints Committee will comprise of the following members:

- i. A chairperson who shall be a woman employed at a senior level (academic or non-academic) at the workplace from amongst the employees
- ii. One representative senior staff (academic or non-academic) from each campus of RGCB
- iii. One female member representing the community to which the complainant belongs.
- iv. One legal expert or a member of an NGO, preferably a person familiar with the issues relating to sexual harassment.

The Complaints Committee shall ordinarily meet twice in a year. The Chairperson may convene an urgent meeting. All members shall attend the meeting of the Complaints Committee and any member other than the external member/s who is absent from two consecutive meetings without prior intimation, shall be liable to cancellation of his/her membership. At least 60% of the Complaints Committee, of which two members are women, should be present to constitute a quorum. Where there is difference of opinion among the members, the majority shall prevail. If the chairperson cannot make it to a meeting, she may nominate another chairperson from among the members of the committee.

The Complaints Committee shall have statutory status and be empowered to carry out the enquiry and investigations into complaints of sexual harassment.

F. The complaint redressal mechanism

A complaint of sexual harassment at workplace may be made directly, preferably in writing, to any member of the Complaints Committee or through academic and non-academic staff, or any campus association/s (such as students or post doc associations). Where an oral complaint is made, the chairperson of the committee will reduce it to writing and the complainant will sign the document. If the complainant is

physically incapable then, a relative or coworker can file the complaint on her behalf with her consent.

In view of the complaints lodged by victims of sexual harassment in the work place, the complaints committee will make enquiry, prepare and submit the report with findings to the Deans and/or head academics as the case may be, who will further make recommendations to Director. The Director after considering the report and recommendations will initiate disciplinary proceedings and, if required and pass necessary orders.

For the purposes of enquiry, the complaints committee may summon any person, and the entire enquiry shall be completed within a period of thirty days, from the date of the complaint.

A copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Complaints Committee. The complainant and the defendant shall be given an opportunity of being heard. The complaints committee may further constitute an Enquiry Committee with careful consideration of representation appropriate to the case.

The defendant will be given no more than 5 days to file a response to the charges and the Complaints Committee will accordingly provide a reasonable opportunity to the defendant to present/defend the case in a scheduled hearing meeting.

Where the defendant fails to be present at such a meeting, the committee shall make an ex parte decision. A representative may accompany the defendant.

A representative may accompany the complainant. In the event the complainant or a representative is not willing to be present in the meeting, the internal complaints committee will examine the case in absentia.

Where possible, the complaints committee may call upon a witness. Under no circumstances during any of the enquiry proceedings or meetings, the complainant and/or their witnesses and the defendant shall be called at the same time so as to ensure freedom of expression and an atmosphere free of intimidation.

The complaints committee shall be empowered to request for appropriate measures to ensure safety and well being of all parties involved in the complaint.

Where based on the investigations of the enquiry committee and the complaints committee, a case of sexual harassment is established, the complaints committee will make its recommendations to the deans and/or the Director. The Director shall then pass the final order and will have no discretion to change the recommendation of the Complaints Committee.

Where following enquiry and examination, a prima facie case of sexual harassment is not made out; all members will make a written report of the same and forward to the director for dismissal of the complaint.

The identities of the complainant and defendant should be kept confidential. All the proceedings of the committee shall be recorded in writing and endorsed by all members of the committee.

Where a complaints committee member has been charged with sexual harassment, such member will step down as a member, till the enquiry is completed. Where a disciplinary authority, the Director is involved in a case of sexual harassment, the recommendations of the committee will be made to the Secretary, DBT.

The Complaints Committee shall protect the following rights of both the respondent and complainant:

RIGHTS OF THE COMPLAINANT

- i. An empathetic attitude from the Complaints Committee so that she can state her grievance in a fearless environment
- ii. A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent
- iii. Keeping her identity confidential throughout the process
- iv. Support, in lodging FIR in case she chooses to lodge criminal proceedings
- v. In case of fear of intimidation from the respondent, her statement can be recorded in absence of the respondent
- vi. Right to appeal, in case, not satisfied with the recommendations/findings of the Complaints Committee

RIGHTS OF THE RESPONDENT

- i. A patient hearing to present his/her case in a non-biased manner
- ii. A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant
- iii. Keeping his/her identity confidential throughout the process

- iv. Right to appeal in case not satisfied with the recommendations/findings of the Complaints Committee

The complaints committee in its proceedings will be sensitive to the nature of the sexual harassment and shall be cognizant of the fact that the aggrieved person may not be able to present evidence. The complaints committee will discount any evidence that is based on the character, personal life, and conduct, personal and sexual history of the aggrieved person.

G. DISCIPLINARY ACTION

Any member of the campus community, faculty, staff, contractual employee, service provider and students/post-docs are liable to disciplinary action, where a case of sexual harassment has been established.

Suitable disciplinary action will be taken against a defendant who is found guilty of sexual harassment. The issuance of the final order, with regard to the alleged act of sexual harassment will be no later than 3 months from date of receipt of the complaint.

The Director will take decision on the corrective action based on the recommendations of the Complaints Committee and keep the complainant informed of the same.

Corrective action may include any of the following:

- a. Formal apology
- b. Counselling
- c. Written warning to the perpetrator and a copy of it maintained in the employee's file.
- d. Change of work assignment / transfer for either the perpetrator or the victim.
- e. Suspension or termination of services of the employee found guilty of the offence
- f. Where such conduct, on the part of the accused, amounts to a specific offence under the law, the Institute shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.
- g. The Complaints Committee may also recommend financial damages to the complainant. While deciding the amount they shall take into consideration:
 - Mental trauma, pain, suffering and emotional distress caused;
 - Medical expenses incurred;
 - Loss of career opportunity;
 - Income and financial status of the respondent.